

ORDER

After conducting a review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1), I am of the opinion that the Findings and Recommendation of the Magistrate Judge are correct and they are hereby accepted as the Findings of the Court.

SIGNED this 26 day of April, 2005.

UNITED STATES DISTRICT JUDGE

CLOSED

CASE NUMBER: 3:04-CV-2648-D

DATE: 04/26/05

TRIAL: YES

_X _ NO